Supreme Court, U.S.
FILED
MAR 24 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. 85-1251

In the Supreme Court of the United States

OCTOBER TERM, 1985

STATE OF TEXAS,

Petitioner,

v.

DANNY E. HILL,

Respondent.

On Petition for Certiorari to the United States Court of Appeals for the Fifth Circuit

Brief Amici Curiae for the States of Alabama, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin and Wyoming

DAVE FROHNMAYER
Attorney General of Oregon
WILLIAM F. GARY
Deputy Attorney General of Oregon
*JAMES E. MOUNTAIN, JR.
Solicitor General of Oregon
VIRGINIA L. LINDER
Assistant Solicitor General of Oregon
400 Justice Building
Salem, Oregon 97310
Phone: (503) 378-4402
Council for Amici Curiae

*Counsel of Record

BEST AVAILABLE COPY

TABLE OF CONTENTS

Page

Interest of Amici 1

Summary of Argument 2

Argument 4

I. The Fifth Circuit's Substitution of a Local Prosecutor for the Texas Attorney General as the Legal Officer Entitled to Represent the State's Interests Was Clear Legal Error 5

II. Certiorari Review and Summary Reversal Are Warranted to Forestall the Adverse Practical Impacts of the Court of Appeals' Procedural Decision 10

Conclusion 13

Appendix App-1

TABLE OF AUTHORITIES

Page

Cases Cited

Baker v. Wade, 774 F.2d 1285 (5th Cir. 1985) 1

Environmental Protection Agency v. Pollution Control Bd., 69 Ill.2d 394, 372 N.E.2d 50 (1977) 8

Feeney v. Commonwealth, 373 Mass. 359, 366 N.E.2d 1262 (1977) 8,8

Frohnmayer v. SAIF, 294 Or 570, 660 P.2d 1061 (1983) 7

Massachusetts v. Feeney, 429 U.S. 66 (1976) 9

New York v. Uplinger, 467 U.S. 246 (1984) 5

Santa Rita Mining Co. v. Department of Property Valuation, 111 Ariz. 368, 530 P.2d 360 (1975) 8

Secretary of Administration & Finance v. Attorney General, 367 Mass. 154, 326 N.E.2d 334 (1975) 7

State ex rel. Derryberry v. Kerr-McGee Corp., 516 P.2d 813 (Okla. 1973) 8

State ex rel. Sendak v. Marion County Superior Court, 268 Ind. 3, 373 N.E.2d 145 (1978) 8

State Health Planning and Coordinating Council v. Hyland, 161 N.J. Super. 468, 391 A.2d 1247 (1978) 8

State of Fla. ex rel. Shevin v. Exxon Corp., 526 F.2d 266, *reh. denied* (5th Cir. 1976) 9

State v. Finch, 128 Kan. 665, 280 P. 910 (1929) 7

Wyman v. Danais, 101 N.H. 487, 147 A.2d 116 (1958) 8

Statutory Provisions

28 U.S.C. § 2252 12

28 U.S.C. § 2403(b) 7,12

Other Authorities

Borchard, *Declaratory Judgments* (2d ed. 1941) 6-7

Powers, Duties and Operations of State Attorneys General, Nat'l Ass'n of Att'ys General (October, 1977) 6,8

Sup. Ct. Rule 28.4(c) 7

Sup. Ct. Rule 36.4 1

Uniform Declaratory Judgments Act § 11 7

INTEREST OF AMICI

The Attorneys General of the *amici curiae* State of Oregon, et al., sponsor this brief to prevent the fragmentation of centralized state legal authority by lower federal courts.[1] *Amici* states entreat this Court to exercise its certiorari review and to reverse summarily the decision of the United States Court of Appeals for the Fifth Circuit in *Baker v. Wade*, 774 F.2d 1285 (5th Cir. 1985) (*en banc*). Specifically, *amici* urge review of the court of appeals' jurisdictional determination that a local government legal officer may override a decision of the state's Attorney General to withdraw a state's appeal of a district court judgment declaring a state criminal statute unconstitutional. Because the Fifth Circuit's resolution of this threshold issue is clearly wrong and poses significant adverse consequences for the states and their chief law officers, the lower court decision should be reversed summarily.

For *amici* states, the Fifth Circuit's determination, that a county prosecutor may displace a state's Attorney General as the exponent of state legal policy in federal appellate courts, threatens the structure and foundation of government legal services. By constitutional mandate, legislative provision, and judicial directive, *amici* have built their structures for government legal representation on and around their respective Attorneys General, designated as the chief law officers of the states. The designation is no mere ceremonial trapping.

---

[1] This brief of *amici curiae* is filed pursuant to Rule 36.4 of the Rules of the Supreme Court. The *amici* states are listed in the Appendix to this brief.

This brief is in support of the Texas petition for certiorari in this case, and not also the petition for certiorari in *Baker v. Wade*, (No. 85-1225), solely because a number of *amici* states either do not support or have no interest in Questions Two and Three of the Questions Presented in that petition.

The responsibility of the Attorney General as chief law officer is to discern, develop, present, coordinate and evaluate the legal policy of a sovereign state. The role of the Attorney General is to ensure that the state's legal position is presented in a principled and consistent manner, and not in a disjointed fashion that mirrors a lack of consensus among various governmental officials and engenders confusion in the courts and among the public. To forestall these undesirable consequences, *amici* states, as a matter of law, have entrusted their respective Attorneys General with singular responsibility to control state legal policy.

The Fifth Circuit, however, ignored the allocation of legal authority in the State of Texas, and apparently would allow the single voice of the Attorney General to be drowned by a cacophony of lower-level officials. *Amici* states are concerned that a local prosecutor apparently did not appreciate the mandate of the Attorney General and its procedural significance in this case; but we are seriously troubled by the court of appeals' failure to recognize the proper legal representative of the state. The court of appeals' utter disregard of the Texas Attorney General's clearly established prerogative to control litigation against the state sends an inappropriate and potentially disastrous signal to lower echelon and nonlegal state policymakers: If you disagree with the Attorney General's legal advice and litigation strategy, you may be treated as a spokesperson for the state in the federal courts. *Amici* states ask the Court to dispel this disturbing message and to restore the stability which state legal services programs were designed to foster, and which the lower federal court mistakenly upset.

SUMMARY OF ARGUMENT

Review of the Fifth Circuit decision that a county prosecutor, rather than a state Attorney General, was the legal spokesperson for the state in federal court, is warranted for two compelling reasons. First, the court of appeals ignored this Court's directive to observe the prerogative of the state to designate its representative in the federal appellate

courts. Second, the Fifth Circuit consequently ignored the state's choice to be represented by its Attorney General. The significance of these omissions transcends this particular case, because the court of appeals established a precedent that strikes at the underpinnings of a structure for allocation of state legal authority among government officials that strongly resembles the legal services policies of all fifty states.

As the size and responsibilities of state government have grown, the demands of the state and its instrumentalities for legal services have increased. But growth has spawned the need for issue control as well as quality control. Here, the lower federal court's failure to recognize the state's designated law officer as its spokesperson in this case undercuts attempts by other states to coordinate, control, and centralize the development and presentation of legal policy through their Attorneys General. These sovereign efforts to consolidate legal authority in the office of Attorneys General will be thwarted under the Fifth Circuit's rationale.

At least in the federal courts, the Attorney General would not be able to prevent other state and local government officials from pursuing cases and issues through litigation and appeals, even if the Attorney General determined that further litigation was not in the best interests of the state and the development of its legal policy. Similarly, under the Fifth Circuit's rationale, other state and local government officials in effect could take a case away from the Attorney General by moving, in the state's name, for an order of dismissal from a result-driven federal court motivated to overlook state law allocating the state's legal authority to the Attorney General. As precedent, the court of appeals' ruling on the issue of representation of the state is a blueprint for sabotage of centralized structures for delivering government legal services.

Short of outright sabotage, the Fifth Circuit's jurisdictional decision maps a road to financial disaster for state

government insofar as the decision permits government officials to circumvent the control of the Attorney General, press ill-considered claims or defenses in the name of the state, and pass adverse cost and attorney fee awards on to the state treasury. Given the potential for this adverse development, the course marked by the Fifth Circuit is all the more surprising because federal practices, procedures, rules, and statutes recognize that state Attorneys General should be accorded a special role in federal litigation.

Thus the court of appeals' decision below constitutes a marked departure from the norm for relations between the federal judiciary and a state's chief law officer. A sharp course correction is required. This Court should issue a writ of certiorari and summarily reverse the court of appeals' decision in *Baker v. Wade*.

ARGUMENT

The threshold and, we submit, dispositive question presented in this case is whether a federal appellate court can ignore the decision of a state's chief law officer effectively to dismiss an appeal of an adverse trial court judgment on an issue of state-wide legal importance. To state the issue is to resolve it; clearly, as a matter of federal appellate practice and state law, a federal court must respect the decision by a state Attorney General to withdraw an appeal of a judgment declaring a state criminal statute unconstitutional, when a state has designated the Attorney General as its sole legal representative. Due deference to federal precedent and to the authority conferred by state law on its Attorney General mandated dismissal of the appeal in this case. Yet a divided Court of Appeals for the Fifth Circuit considered this case on the merits at the behest of a lower-level government officer who disagreed with his Attorney General. As a matter of law, the procedural ruling of the court of appeals constitutes a flagrant breach of fundamental principles of federalism. In practice,

the procedural ruling threatens deleteriously to affect state legal representation, state treasuries and federal court dockets.

I. The Fifth Circuit's Substitution of a Local Prosecutor for the Texas Attorney General as the Legal Officer Entitled to Represent the State's Interests Was Clear Legal Error.

At the heart of the significant state-federal relations problem posed by the Fifth Circuit's *en banc* decision is the question of the scope of a state's authority to direct and control representation of the state's interests in federal court. The answer should be easy: The state's power in this respect is plenary. In our federal system, states are full partners with the national government, entitled to autonomy in the conduct of their core operations. Because of their status as coequal sovereigns, each state's authority to structure a politically accountable system for the development and advocacy of state legal policy is beyond dispute. This Court therefore readily has recognized that "[t]he allocation of authority among State officers to represent the State before this Court is, of course, wholly a matter of State concern." *New York v. Uplinger*, 467 U.S. 246 n. 1 (1984). The same necessarily is true when a state's interests are adjudicated by lower federal courts.

When the court of appeals in this case was confronted with a dispute among state officials over which one properly could press or dismiss the appeal, the lower appellate court should have turned to Texas law. Had it done so, resolution of the controversy would have been a straightforward matter. As the petition for certiorari filed by the State of Texas amply demonstrates, Texas law allocated to the Attorney General the exclusive authority to represent the state's interests and to control the state's participation in the litigation below. Pet.

for Cert. (No. 85-1251), pp. 12-15.[2] The Fifth Circuit's failure to consult Texas law and its cavalier substitution of a local prosecutor for the legal representation of the state's attorney general was plainly wrong. More troubling, the lower court's action implied a fundamental disrespect for the state's sovereign authority and it seriously disrupted proper state-federal relations in this crucial area.

There is no excuse for the Fifth Circuit's error. In a declaratory judgment action brought to challenge a state statute, the only real defendant party in interest is the state. A federal court presented with such a challenge fairly can and should presume that the proper representative for the state and any named state officials is the state's Attorney General.

The venerable office of Attorney General exists in all fifty states, and also in Puerto Rico, Guam, American Samoa and the Virgin Islands. *Powers, Duties and Operations of State Attorneys General*, Nat'l Ass'n of Att'ys General at 29, (October, 1977). Although the source and scope of their powers and duties vary, state Attorneys General typically are the chief law officers of their states. Each is entrusted with the duty of representing the state and controlling its legal position in all litigation to which the state is a party or in which it is interested. *See generally Powers, Duties and Operations of State Attorneys General*, Nat'l Ass'n of Att'ys General (October, 1977). Indeed. state Attorneys General have played such an important part in American jurisprudence as protectors of the public interest, defenders of the legal interests of the state, and law enforcement officers that their roles commonly are protected and recognized in state and federal declaratory judgment acts. Borchard, *Declaratory Judgments*

---

[2] *See also* the thorough discussion of Texas law set out at pages 18-20 in the related Petition for Certiorari in *Baker v. Wade*, (No. 85-1225) filed by Donald F. Baker, plaintiff below.

at 274-276 (2d ed. 1941). *See, e.g.*, Uniform Declaratory Judgments Act § 11 and 28 U.S.C. § 2403(b). *See also* Sup. Ct. Rule 28.4(c).

The presumption that a state's Attorney General properly directs the state's representation in litigation challenging a state statute should fail, if at all, only when that officer's authority is genuinely disputed. If such a dispute arises, the controversy frequently can be resolved by consideration of state constitutional and statutory provisions. In the rare instances in which a federal court must look further, state case law often will provide an adequate answer.

Many state courts, including those of several of the *amici*, have resolved litigated controversies between state Attorneys General and other state officials or entities over their respective authority to direct litigation involving the state. Disputes commonly have focused on a state agency's claim of authority to obtain independent legal representation when the Attorney General refuses to institute litigation on the agency's behalf, *e.g.*, *Frohnmayer v. SAIF*, 294 Or. 570, 660 P.2d 1061 (1983) (upholding Attorney General's exclusive representation and authority to set state legal policy); an executive branch official's claim of authority to compel an Attorney General to pursue an appeal that the chief law enforcement officer has refused to press, *e.g.*, *Secretary of Administration & Finance v. Attorney General*, 367 Mass. 154, 326 N.E.2d 334 (1975) (upholding Massachusetts Attorney General's authority); and a local prosecutor's claim of authority to control criminal litigation when that official disagrees with an Attorney General's litigation strategy or judgment, *e.g.*, *State v. Finch*, 128 Kan. 665, 280 P. 910 (1929) (Attorney General may control prosecution without the concurrence of and in opposition to

the county prosecutor).[3] Historically, state courts generally have demonstrated a preference for vesting strong powers in the Attorney General. *See generally State ex rel. Derryberry v. Kerr-McGee Corp.*, 516 P.2d 813 (Okla. 1973) and discussion therein. The modern trend is toward consolidation of all state legal authority in a centralized Attorney General's office, with a consequent further strengthening of the scope of the Attorney General's powers and duties. *See generally Powers, Duties and Operations of State Attorneys General*, Nat'l. Ass'n of Att'ys General (October, 1977). But there is, as there should be under our federal system, diversity among the several states, and state structures for provision to government of legal representation and advice are not uniform. *Compare Santa Rita Mining Co. v. Department of Property Valuation*, 111 Ariz. 368, 530 P.2d 360 (1975) (state Attorney General may not appeal against the wishes of his state agency client) *with Feeney v. Commonwealth*, 373 Mass. 359, 366 N.E.2d 1262 (1977) (state Attorney General may pursue appeal despite objection of the Governor and the state official represented in the case).

The point is not that there must be a single answer when an Attorney General's authority is questioned, only that there must be a correct one. For a federal court to arrive at the accurate resolution of a dispute over the allocation of legal authority among state officials, it must be willing to ask the correct question in the first instance. That question is straightforward: What is the state's law? If the answer is not

---

[3] Other representative cases in which a state Attorney General's authority has been upheld when other state officials have challenged it or attempted to act independent of the Attorney General's representation include *State ex rel. Sendak v. Marion County Superior Court*, 268 Ind. 3, 373 N.E.2d 145 (1978); *State Health Planning and Coordinating Council v. Hyland*, 161 N.J. Super. 468, 391 A.2d 1247 (1978); *Environmental Protection Agency v. Pollution Control Bd.*, 69 Ill.2d 394, 372 N.E.2d 50 (1977); *Wyman v. Danais*, 101 N.H. 487, 147 A.2d 116 (1958).

immediately apparent, and there is no case law on point, two courses are available.

The first, and preferable course, is to certify the issue to the state's highest court for its resolution. This Court, in fact, has used that procedural vehicle to determine the authority of the Massachusetts Attorney General to appear before it when both the Governor of Massachusetts and the state officers on whose behalf the Attorney General appeared objected to the appeal. *Massachusetts v. Feeney*, 429 U.S. 66, 67 (1976). That procedure brought about a definitive answer from the highest court of Massachusetts, which upheld the Attorney General's authority. *Feeney v. Commonwealth*, 373 Mass. 359, 366 N.E.2d 1262 (1977). Where a state has a process by which issues of state law can be certified to the state courts, exercise of that option permits state courts to address the problem in the first instance. This has the advantage of providing the federal court with an authoritative, and by definition correct, resolution of the issue.

If certification of the issue to the state is not available or workable, the federal court may itself review state statutes, constitutional provisions and case law to attempt to discern the proper result. Any such inquiry by the federal courts should be undertaken cautiously, with due concern for the inherently limited role federal courts can and should play in the explication of unsettled state law questions.

Whichever course is followed, a federal court must remain mindful that its inquiry is to be focused on state law. Its task is to attempt to determine what state courts would hold, not to provide the federal court's idea of a proper resolution.

Significantly, the Fifth Circuit has correctly approached and resolved a similar controversy previously. In *State of Fla. ex rel. Shevin v. Exxon Corp.*, 526 F.2d 266, *reh. denied* (5th Cir. 1976), several major oil companies challenged the Florida Attorney General's authority to initiate a complex antitrust

suit against them. The Fifth Circuit, implicitly recognizing that the question was wholly a matter of state concern, thoroughly and painstakingly looked to relevant Florida statutory, constitutional and decisional law for the answer. *Id.* at 268-277. The court also considered certification of the issue to the state courts, although for seemingly sound reasons it declined to follow that course. *Id.* at 274-276. The Fifth Circuit's careful study and correct approach to the problem in the Florida case renders that same court's high-handed disregard of the sensitive state-federal relations issue in this Texas case all the more puzzling, and all the more plainly wrong.

II. Certiorari Review and Summary Reversal Are Warranted to Forestall the Adverse Practical Impacts of the Court of Appeals' Procedural Decision.

As the foregoing discussion readily demonstrates, the establishment by states of systems of centralized government legal services have engendered challenges in the state court arenas. State courts, recognizing the practical benefits of centralized legal services systems, resoundingly have rejected those challenges. Now, however, the court of appeals' decision below breathes new life into otherwise moribund attempts to circumvent the authority of the states' chief law officers. Although the petitioners State of Texas and Donald Baker call this Court's attention to the adverse practical ramifications of the procedural ruling below, *amici* states appear before the Court to underscore those important points and to demonstrate that critical national interests are at stake in this case.

The parties are not merely building their case with academic arguments when they characterize the Fifth Circuit ruling as a serious threat to an otherwise sound system for state legal services. State Attorneys General routinely must

resolve myriad issues of state legal policy from a broader perspective than state agency personnel or lower government officers who may have narrower programatic or discrete, case-intensive goals in mind. Most often, mutual accommodation can be and, in fact, is reached. The competition of ideas is healthy, and law development generally benefits from an airing of different views, but only so long as the competition does not spill out into courtroom confrontations between state policymakers.

If a prosecutor with only local authority or a state agency official with only program policy responsibility can, over the Attorney General's objection, force the state into court or scuttle the state's position in pending litigation, the public and the court truly are presented with these quandaries: What is the state's legal position? Who is the responsible legal policy maker? Which agency budget is accountable for the costs of litigation?

We would have thought that the need to dispel these quandries satisfactorily had been met in Texas and most other states by state laws and court decisions establishing and affirming the singular authority of the Attorney General, but the court of appeals' majority ignored this important development. Instead, the Fifth Circuit opened a new forum — the federal courts — for the consideration and resolution of state legal policy disputes between a state's chief law officer and recalcitrant government officials. The court of appeals thus exposed the federal court system itself, as well as state legal services programs, to a new round of litigation, not on the merits of federal questions, but on authority of state Attorneys General to speak for the states. And the increased costs in terms of judicial and legal resources are not the only adverse fiscal portents of the procedural decision below. The Fifth Circuit has exposed state treasuries to the costs, including attorney fees, of unsuccessful litigation maintained in the

name of public officials acting in contravention of the legal judgment of state Attorneys General.

Just as we thought that deference to state law would have foreclosed the Fifth Circuit's opening of Pandora's box, we believed that federal policy toward state Attorneys General would have sealed, in this case, the question of who speaks for the state in federal court. Federal statutory law, 28 U.S.C. § 2403(b), requires certification of issues of the federal constitutionality of state statutes to state Attorneys General in order to "permit the *State* to intervene," when the state is not otherwise appearing as a party itself or through a party that is a state agency, official, or employee.[4] The evident policy behind this statute is to secure the representation of the state's interests by its Attorney General. But in derogation of this policy, the Fifth Circuit majority displaced the Texas Attorney General and allowed a lower-level government official to speak for the State of Texas. This decision is not only anomalous, it is so fraught with undesirable complications for the offices of state Attorneys General and for state-federal relations that extraordinary intervention by this Court is warranted.

---

[4] 28 U.S.C. § 2403(b) provides:

> (b) In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

In other instances, Congress similarly has presumed that a state's Attorney General is the correct party to represent the state in federal court. *See, e.g.*, 28 U.S.C. § 2252 (habeas corpus proceedings).

CONCLUSION

Once the Texas Attorney General exercised his prerogative to withdraw the state's appeal to the court of appeals, this case should have come to a close. The Fifth Circuit, however, cloaked a lower-level official with the authority to present his version of what the state's legal policy should be, and proceeded to the merits of a constitutional challenge to a state statute. Clearly, the lower appellate court was wrong. This Court should grant the petition for certiorari filed by the State of Texas to close the door to federal court litigation of spurious challenges to the authority of a state Attorney General to speak for a state. On the procedural ground that respondent Hill lacked the authority to pursue a state's appeal over the objection of the Texas Attorney General, the Fifth Circuit's decision should be reversed summarily.

Respectfully submitted,

DAVE FROHNMAYER
Attorney General of Oregon
WILLIAM F. GARY
Deputy Attorney General of Oregon
JAMES E. MOUNTAIN, JR.
Solicitor General of Oregon
VIRGINIA L. LINDER
Assistant Solicitor General of Oregon
Counsel for Amici Curiae

APPENDIX

LIST OF THE AMICI CURIAE

State of Alabama
Charles A. Graddick
Attorney General of Alabama
Post Office Box 948
Montgomery, Alabama 36102

State of Delaware
Charles M. Oberly
Attorney General of Delaware
820 North French Street, 8th Floor
Wilmington, Delaware 19801

State of Florida
Jim Smith
Attorney General of Florida
1501 State Capitol
Tallahassee, Florida 32301

State of Illinois
Neil F. Hartigan
Attorney General of Illinois
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601

State of Iowa
Thomas J. Miller
Attorney General of Iowa
Hoover Building — Second Floor
Des Moines, Iowa 50319

State of Kansas
Robert T. Stephan
Attorney General of Kansas
Judicial Center — Second Floor
Topeka, Kansas 66612

State of Louisiana
William J. Guste, Jr.
Attorney General of Louisiana
2-3-4 Loyola Building
New Orleans, Louisiana 70112

State of Maine
James E. Tierney
Attorney General of Maine
State House
Augusta, Maine 04330

State of Massachusetts
Francis X. Bellotti
Attorney General of Massachusetts
One Ashburton Place — 20th Floor
Boston, Massachusetts 02108

State of Michigan
Frank J. Kelley
Attorney General of Michigan
525 West Ottawa
Lansing, Michigan 48913

State of Minnesota
Hubert H. Humphrey, III
Attorney General of Minnesota
102 State Capitol
St. Paul, Minnesota 55155

State of New Hampshire
Stephen E. Merrill
Attorney General of New Hampshire
208 State House Annex
25 Capitol Street
Concord, New Hampshire 03301

State of New Mexico
Paul Bardacke
Attorney General of New Mexico
Bataan Building, P. O. Box 1508
Santa Fe, New Mexico 87504

State of New York
Robert Abrams
Attorney General of New York
Two World Trade Center, Suite 4715
New York, New York 10047

State of North Carolina
Lacy H. Thornburg
Attorney General of North Carolina
Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602

State of Ohio
Anthony J. Celebrezze, Jr.
Attorney General of Ohio
State Office Tower
30 East Broad Street
Columbus, Ohio 43215

State of Oregon
Dave Frohnmayer
Attorney General of Oregon
Department of Justice
100 Justice Building
Salem, Oregon 97310

State of Pennsylvania
LeRoy S. Zimmerman
Attorney General of Pennsylvania
Strawberry Square — 16th Floor
Harrisburg, Pennsylvania 17120

State of South Dakota
Mark V. Meierhenry
Attorney General of South Dakota
State Capitol
Pierre, South Dakota 57501

State of Tennessee
W.J. Michael Cody
Attorney General of Tennessee
450 James Robertson Parkway
Nashville, Tennessee 37219

State of Utah
David L. Wilkinson
Attorney General of Utah
236 State Capitol
Salt Lake City, Utah 84114

State of Vermont
Jeffrey Amestoy
Attorney General of Vermont
Pavilion Office Building
Montpelier, Vermont 05602

State of West Virginia
Charlie Brown
Attorney General of West Virginia
State Capitol
Charleston, West Virginia 25305

State of Wisconsin
Bronson C. LaFollette
Attorney General of Wisconsin
State Capitol
Madison, Wisconsin 53707

State of Wyoming
Archie G. McClintock
Attorney General of Wyoming
123 State Capitol
Cheyenne, Wyoming 82002